



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 25, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 25, 2018:

SB 1437 elections; equipment; amendments (Burgess)
SB 1449 schools; statewide assessment contracts; review (Allen, S)
HB 2003 coal mining; TPT; repeal (Finchem)
HB 2020 sexual assault; harassment; confidentiality agreements (Syms)
HB 2166 vehicle fees; alternative fuel VLT (Campbell)
HB 2283 definition; defenses; sexual offenses (Kern)
HB 2563 postsecondary institutions; free expression policies (Boyer)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is stylized with a large, flowing "D" and "A".

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed Senate Bill

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 262

SENATE BILL 1449

AN ACT

AMENDING SECTIONS 15-741 AND 15-741.02, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-741.03; RELATING TO PUPIL ASSESSMENT AND ACCOUNTABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-741, Arizona Revised Statutes, is amended to
3 read:

4 15-741. Assessment of pupils

5 A. The state board of education shall:

6 1. Adopt rules for purposes of this article pursuant to title 41,
7 chapter 6.

8 2. Adopt and implement a statewide assessment to measure pupil
9 achievement of the state ~~board-adopted~~ BOARD-ADOPTED academic standards in
10 reading, writing and mathematics in at least four grades designated by the
11 STATE board. The STATE board shall determine the manner of
12 implementation. The STATE board may administer assessments of the
13 academic standards in social studies and science, except that a pupil
14 shall not be required to meet or exceed the social studies or science
15 standards measured by the statewide assessment.

16 3. Ensure that the tests prescribed in this section are uniform
17 throughout the state.

18 4. Ensure that the tests prescribed in this section are able to be
19 scored in an objective manner and ~~that the tests~~ are not intended to
20 advocate any sectarian, partisan or denominational viewpoint.

21 5. Ensure that the tests prescribed in this article collect only
22 types of pupil nontest data that are approved by the state board of
23 ~~education~~ at a public meeting and published on the website of the state
24 board of ~~education~~ pursuant to paragraph 7 of this subsection.

25 6. Include within its budget all costs pertaining to the tests
26 prescribed in this article. If sufficient monies are appropriated, the
27 state board may provide achievement test services to school districts that
28 request assistance in testing pupils in grades additional to those
29 required by this section.

30 7. Survey teachers, principals and superintendents on
31 achievement-related nontest indicators, including information on
32 graduation rates by ethnicity and dropout rates by ethnicity for each
33 grade level. Before the survey, the state board of ~~education~~ shall
34 approve at a public meeting the nontest indicators on which data will be
35 collected and shall post in a prominent position on the home page of the
36 state board's website a link to the nontest indicators entitled "What
37 nontest data does the state of Arizona collect about Arizona pupils?".
38 The linked web page shall state the types of data collected, the reasons
39 for the collection of the data and the entities with which the data is
40 shared. In conducting the survey and collecting data, the state board of
41 ~~education~~ shall not violate the provisions of the family educational
42 rights and privacy act (P.L. 93-380), as amended, ~~nor~~ OR disclose
43 personally identifiable information.

1 8. Establish a fair and consistent method and standard by which
2 test scores from schools in a district may be evaluated taking into
3 consideration demographic data. The STATE board shall establish
4 intervention strategies to assist schools with scores below the acceptable
5 standard. The STATE board shall annually review district and school
6 scores and shall offer assistance to school districts in analyzing data
7 and implementing intervention strategies. The STATE board shall use the
8 adopted test and methods of data evaluation for a period of at least ten
9 years.

10 9. Participate in other assessments that provide national
11 comparisons as needed.

12 10. Require in the contract for the statewide assessment pursuant
13 to this section that test scores and assessment data from the third grade
14 reading portion of the statewide assessment adopted pursuant to this
15 section be received by local education agencies on or before May 15 of
16 each academic year and THAT the scores and assessment data from all other
17 portions of the statewide assessment adopted pursuant to this section be
18 received by local education agencies on or before May 25 of each academic
19 year. The state board shall impose penalties on the contractor for scores
20 received after these dates.

21 B. The achievement tests adopted by the state board as provided in
22 subsection A of this section shall be given at least annually. Nontest
23 indicator data and other information shall be collected at the same time
24 as the collection of achievement test data.

25 C. Local school district governing boards shall:

26 1. Administer the tests prescribed in subsection A of this section.

27 2. Survey teachers, principals and superintendents on ~~achievement~~
28 ~~related~~ ACHIEVEMENT-RELATED nontest indicator data as required by the
29 state board, including information related to district graduation and
30 dropout rates. In conducting the survey and collecting data, the
31 governing board shall not violate the provisions of the family educational
32 rights and privacy act (P.L. 93-380), as amended, ~~nor~~ OR disclose
33 personally identifiable information.

34 D. Any additional assessments for high school pupils that are
35 adopted by the state board of education after November 24, 2009 shall be
36 designed to measure college and career readiness of pupils.

37 E. A test for penmanship shall not be required pursuant to this
38 article.

39 F. ON REQUEST, A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ADMINISTER
40 THE STATEWIDE ASSESSMENT IN THE FORM OF A WRITTEN TEST.

Sec. 2. Section 15-741.02, Arizona Revised Statutes, is amended to read:

15-741.02. Menu of achievement assessments; requirements; rules; definition

A. The state board of education shall adopt a menu of ~~locally procured~~ achievement assessments to measure pupil achievement of the state academic standards. Beginning in the 2018-2019 school year, each local education agency that offers instruction in grades nine through twelve may select from that menu an achievement assessment ~~that is locally procured~~ to administer to the pupils in one or more schools in that local education agency instead of the test to measure pupil achievement adopted by the state board of education pursuant to section 15-741. Beginning in the 2019-2020 school year, each local education agency that offers instruction in grades three through eight may select from that menu an achievement assessment ~~that is locally procured~~ to administer to the pupils in that local education agency instead of the test to measure pupil achievement adopted by the state board of education pursuant to section 15-741. THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADEQUATE STAFF SUPPORT FOR THE STATE BOARD TO COMPLY WITH THIS SECTION.

B. ~~A locally procured~~ AN achievement assessment in use by a local education agency that is not on the menu of assessments by March 1, 2018 may be added to the menu at the request of the local education agency and shall be approved by the state board of education if the assessment is nationally recognized, ~~an early~~ A QUALIFYING college credit examination ~~adopted~~ pursuant to section 15-249.06 or an assessment adopted pursuant to section 15-792.03. The state board of education may approve ~~all other assessments~~ ANY OTHER ASSESSMENT if the assessment meets the requirements of subsection E of this section. The state board of education shall evaluate ~~locally procured~~ assessments THAT ARE not on the menu pursuant to this section annually and shall notify local education agencies of the results on or before May 1 of each year.

C. A local education agency that selects ~~a locally procured~~ AN achievement assessment pursuant to this section meets the requirements prescribed in section 15-741. The local education agency shall include the name of the assessment it administers in the school report card required in section 15-746 and administer the assessment for a minimum period of time prescribed by the state board of education.

D. The state board of education shall adopt rules and procedures for the approval of ~~locally procured~~ assessments to be administered by the superintendent of public instruction pursuant to this section. Any rule or procedure adopted pursuant to this subsection may not require a local education agency to receive additional approval from the state board of education or the department of education to select an assessment from the menu of assessments and may not require any additional requirements other than those required by subsection E of this section. A local education

1 agency that adopts ~~a locally procured~~ AN achievement assessment pursuant
2 to this section shall provide the necessary reasonable accommodations for
3 a student who is an English language learner and the necessary
4 accommodations and modifications for a student as required by the
5 student's individualized education program team.

6 E. The state board of education shall require that the provider of
7 ~~a locally procured~~ AN achievement assessment that is proposed for the menu
8 of ~~locally procured~~ achievement assessments ~~shall~~ do all of the following:

9 1. Provide evidence that the assessment is a high quality
10 assessment.

11 2. Demonstrate that the assessment meets or exceeds the level of
12 rigor of the state board's adopted academic standards.

13 3. Demonstrate that the assessment scores can be scaled for state
14 accountability programs including establishing comparable student
15 performance levels for achievement profiles and letter grade
16 classifications issued pursuant to section 15-241.

17 4. Submit an evaluation from a third party approved by the state
18 board of education that shows the assessment meets the requirements
19 prescribed in paragraphs 1, 2 and 3 of this subsection.

20 5. Provide a copy of assessment scores to the department of
21 education when scores are provided to ~~their~~ THE partnering local education
22 agency.

23 F. For the purposes of this section, "nationally recognized" means
24 ~~an assessment that is~~ accepted by universities for the purposes of
25 awarding college credit or admissions.

26 Sec. 3. Title 15, chapter 7, article 3, Arizona Revised Statutes,
27 is amended by adding section 15-741.03, to read:

28 15-741.03. Statewide assessment; contracts; JLBC review

29 NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT OF EDUCATION MAY NOT
30 RENEW ANY CURRENT CONTRACT FOR ANY PORTION OF THE STATEWIDE ASSESSMENT
31 ADOPTED PURSUANT TO SECTION 15-741 OR REESTABLISH A NEW CONTRACT FOR ANY
32 PORTION OF THE STATEWIDE ASSESSMENT ADOPTED PURSUANT TO SECTION 15-741
33 WITHOUT A REVIEW BY THE JOINT LEGISLATIVE BUDGET COMMITTEE.

34 Sec. 4. Statewide assessment; contract information;
35 submission to joint legislative budget committee;
36 delayed repeal

37 A. On or before November 15, 2018, the department of education
38 shall provide information to the joint legislative budget committee on
39 each current contract for all portions of the statewide assessment adopted
40 pursuant to section 15-741, Arizona Revised Statutes, as amended by this
41 act, including information on when that contract is set to expire.

42 B. This section is repealed from and after November 30, 2018.

1 Sec. 5. Request for proposals for menu of assessments

2 On or before September 1, 2018, the state board of education shall
3 direct the department of education to issue a request for proposals to
4 contract with a provider or providers to procure a menu of assessments to
5 measure pupil achievement in grades three through eight and at least one
6 in high school pursuant to section 15-741.02, Arizona Revised Statutes, as
7 amended by this act, including the required availability of the menu of
8 assessments for local education agencies that offer instruction in grades
9 three through eight beginning in the 2019-2020 school year.

10 Sec. 6. Transition to menu of assessments

11 If sufficient monies are appropriated in fiscal year 2018-2019, each
12 local education agency that offers instruction in grades nine through
13 twelve and that administers an assessment from the menu of assessments
14 pursuant to section 15-741.02, Arizona Revised Statutes, as amended by
15 this act, to pupils in one or more schools in that local education agency
16 in the 2018-2019 school year may submit a request to the department of
17 education for reimbursement for assessment costs in a format prescribed by
18 the department. The department shall reimburse each local education
19 agency that submits a reimbursement request a proportional amount per
20 pupil not to exceed the total amount for the assessment costs from any
21 monies appropriated to the department in fiscal year 2018-2019 for this
22 purpose, or from any dollars available as a result of fewer local
23 education agencies administering the statewide assessment to measure pupil
24 achievement. A local education agency that provides an assessment from
25 the menu of assessments prescribed in section 15-741.02, Arizona Revised
26 Statutes, as amended by this act, through a public-private partnership is
27 eligible only for reimbursement of any monies paid by the local education
28 agency.

APPROVED BY THE GOVERNOR APRIL 25, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2018

Passed the House April 11, 2018,

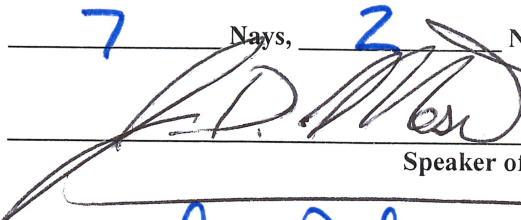
Passed the Senate March 7, 2018,

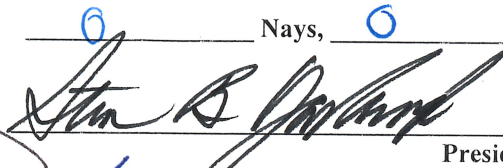
by the following vote: 51 Ayes,

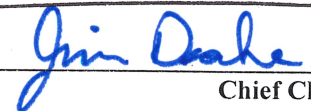
by the following vote: 30 Ayes,

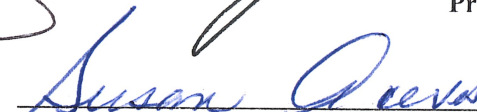
7 Nays, 2 Not Voting

0 Nays, 0 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1449

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 20 18

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting

Steve B. Montano
President of the Senate

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

19th day of April, 20 18

at 10:57 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 25th day of

April 2018

at 3:14 o'clock P. M.

Daryl L. Irujo
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 25 day of April, 20 18

at 5:37 o'clock P. M.

Michelle Reagan
Secretary of State